

MARGIE L. RICE
Mayor

ANDY QUACH
Mayor Pro Tem

FRANK G. FRY
Council Member

KERMIT MARSH
Council Member

TRI TA
Council Member



AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY REGULAR MEETING

December 12, 2007

5:00 p.m. - Council Conference Room

7:00 p.m. – Council Chambers

**8200 WESTMINSTER BOULEVARD
WESTMINSTER, CALIFORNIA 92683**

If you need special assistance to participate in this meeting, please contact the City Clerk's office at (714) 898-3311. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 American Disabilities Act Title II)

AGENDA INFORMATION

MEETINGS

Regular Meetings of the City Council/Redevelopment Agency are held the second and fourth Wednesday of each month at the hour of 6:00 p.m. (5:00 p.m. if deemed necessary) for Closed Session matters, if required. **The public session of the meeting shall commence at 7:00 p.m.** or as soon thereafter as possible.

While in the City Council Chamber, please *turn off* all cellular phones and pagers.

AGENDA INFORMATION

The agenda contains a brief general description of each item to be considered. Agendas are available at the entryway of the Council Chambers. Supporting documentation to each agenda item is available in the entryway for public review.

PUBLIC COMMENTS

Pursuant to Government Code Section 54954.3, members of the public may address the City Council/Redevelopment Agency/Public Financing Authority during each item on the agenda as called. Oral Communications is held after the Consent Calendar portion of the agenda and provides the public an opportunity to address any items of interest **not on the agenda** that are within the subject matter jurisdiction. NO action may be taken on items not listed on the agenda unless authorized by law. Comments shall be limited to three minutes per person.

To address the City Council/Redevelopment Agency on any matter, complete a "Request to Speak" form located at the entrance to the Council Chambers. Present the form to the City Clerk prior to being heard by the City Council. When speaking, please face the City Council and state your name and address for the record.

AGENDA ON THE INTERNET:

The Agenda is available at <http://www.ci.westminster.ca.us>. The agenda can be accessed on the internet on the Friday before the meeting on Wednesday.

TELEVISED MEETING SCHEDULE

Regular City Council/Agency meetings are broadcast live on Westminster Cable Channel 3 and REBROADCAST on Monday and Friday at 11:00 a.m.; Tuesday, Wednesday and Thursday at 7:00 p.m.; Wednesday at 12 noon; and Saturday and Sunday at 6:00 p.m.

PUBLIC USE OF COUNCIL CHAMBER EQUIPMENT

All computer presentations must be e-mailed or provided on a CD-ROM to the City Clerk at least 48 hours prior to the meeting. Items to be displayed on the overhead projector must be submitted to the City Clerk for review prior to use of the equipment.

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5:00 P.M.

CLOSED SESSION

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY
DURING ANY ITEM TO BE CONSIDERED IN CLOSED SESSION.

CALL TO ORDER:

ROLL CALL

PRESENT:

ABSENT:

CLOSED SESSION:

The City Council/Redevelopment Agency will recess to a Closed Session for the following purpose:

- 1) Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: Property: 7201 Westminster Boulevard and 13942 Cherry Street; Agency Negotiator: Executive Director Ray Silver; Negotiating Party: Michelle Nguyen (Pacific West Family Limited Partnership); Under Negotiation: Price and Terms of Payment.

RECESS:

AGENDA

December 12, 2007

7:00 P.M.

PUBLIC COMMENTS MAY BE RECEIVED BY THE CITY COUNCIL/REDEVELOPMENT AGENCY OR PUBLIC FINANCING AUTHORITY DURING EACH ITEM ON THE AGENDA AS CALLED.

The City Council/Redevelopment Agency of the City of Westminster will regularly convene in joint session for the purpose of considering the following City Council/Redevelopment Agency Agenda items. The Westminster Public Financing Authority is also an agency on which Council serves as members. This Agency may also have items scheduled.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

ROLL CALL: RICE, QUACH, FRY, MARSH, TA

PRESENT:

ABSENT:

SALUTE TO FLAG: City Attorney

INVOCATION:

REPORT OUT OF CLOSED SESSION:

The City Attorney shall determine if any actions taken by the City Council/Redevelopment Agency in Closed Session shall require a reporting on those actions as required by law (Government Code 54957.1(a) (3) (B)).

SPECIAL PRESENTATIONS:

- A. "SCE Presentation to City of Westminster – Preparing for Tomorrow's Energy Needs"
- B. Recognition of the Holiday Home Decorating Participants

REPORT FROM CITY CLERK ON LATE COMMUNICATION ITEMS

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1. CONSENT CALENDAR

ALL MATTERS LISTED UNDER THE CONSENT CALENDAR ARE CONSIDERED ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY, THE PUBLIC, OR STAFF REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE ACTION OR DISCUSSION.

COMPLETE THE ATTACHED GREEN FORM AND GIVE TO THE CITY CLERK PRIOR TO THE CONSENT CALENDAR PORTION OF THE AGENDA. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

APPROVAL OF MINUTES

- 1.1 (City Council/Redevelopment Agency) Minutes of the Regular Meeting of the City Council/Redevelopment Agency of November 14, 2007. (Marian Contreras)

RECOMMENDATION: Approve.

ROUTINE MATTERS

- 1.2 Approval of Agreement No. D07-090 with Orange County Flood Control District for Water Quality Ordinance Implementation (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the subject agreement and authorize the Mayor to execute the agreement on behalf of the City.

- 1.3 Notice of Completion for work performed by All American Asphalt, Inc., for Street Improvements for Hazard Avenue from Magnolia to Beach – Federal Project No. STPL-5338(034), Hoover Street from Hazard to Trask – Federal Project No. STPL-5338(035), and Bolsa Chica Road from Rancho Road to Westminster –Federal Project No. STPL-5338(036) – Project No. AHRP 05-06 (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council accept the subject project and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office.

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1. CONSENT CALENDAR (Continued)

1.4 Agreement to Transfer Property or Funds for the 2007 Homeland Security Grant Program Purposes (Andy Hall)

RECOMMENDATION: Staff recommends that the Mayor and City Council enter into an Agreement with the City of Santa Ana for Transfer or Purchase of Equipment/Services or for Reimbursement of Training Costs for FY 2007 Urban Areas Security Initiative (UASI), and authorize the Police Chief to execute the agreement on behalf of the City.

ORDINANCES (SECOND READING)/RESOLUTIONS

1.5 Ordinance 2423 - An Ordinance of the Mayor and City Council of the City of Westminster to amend Title 17 (Land Use Ordinance) of the Westminster Municipal Code relating to development standards for detached non-habitable accessory structures. (Art Bashmakian)

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Ordinance No. 2423 and waive further reading.

1.6 (Agency) Substitution of Remarketing Agent in Connection with the Agency's Westminster Commercial Redevelopment Project No. 1 1997 Tax Allocation Revenue Refunding Bonds (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Chair and Agency Board Members:

- 1) Adopt Resolution No. 186 entitled, "A Resolution of the Westminster Redevelopment Agency Approving the Substitution of Remarketing Agent and a Form of Remarketing Agreement in Connection with the Agency's Westminster Commercial Redevelopment Project No. 1 1997 Tax Allocation Revenue Refunding Bonds" authorizing the removal of the Prior Remarketing Agreement dated December 1, 1997 with Stone & Youngberg LLC and Replacing the Prior Remarketing Agreement with Bear Sterns & Co., Inc. ; and
- 2) Authorize the Executive Director to execute the Remarketing Agreement. in an amount not to exceed an annual fee of one-sixth of one percent (.01%) based upon the outstanding principal amount of the 1997 Tax Allocation Revenue Refunding Bonds and authorize the Executive Director to execute the agreement on behalf of the Agency.

WARRANT REGISTER

1.7 (City Council/Redevelopment Agency) Warrant Register dated November 21 through December 4, 2007. (Paul Espinoza)

RECOMMENDATION: Approve.

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INFORMATION AND REPORTS

- 1.8 Westminster Redevelopment Agency Annual Report for Fiscal Year 2006-07.** (Don Anderson)

RECOMMENDATION: Staff recommends that the Mayor and City Council receive, approve and file the Westminster Redevelopment Agency Annual Report for Fiscal Year 2006-2007.

- 1.9 Minutes of the Commission on Aging meeting held on September 10, 2007.** (Greg Johnson)

RECOMMENDATION: Receive and file.

- 1.10 Minutes of the Planning Commission meeting held November 7, 2007** (Don Anderson)

RECOMMENDATION: Receive and file.

END OF CONSENT CALENDAR

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2. ORAL COMMUNICATIONS

THIS IS THE TIME OF THE MEETING THAT MEMBERS OF THE PUBLIC MAY ADDRESS THE CITY COUNCIL/REDEVELOPMENT AGENCY REGARDING ANY ITEMS OF INTEREST NOT ON THE AGENDA THAT ARE WITHIN THE SUBJECT MATTER JURISDICTION OF THE CITY COUNCIL/AGENCY BOARD. COMMENTS SHALL BE LIMITED TO THREE MINUTES PER SPEAKER.

COMPLETE THE ATTACHED **GREEN** FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

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3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW

3.1 The actions of the Planning Commission meeting held on December 5, 2007. (Don Anderson)

RECOMMENDATION: That the City Council determine if they wish to call up any items for review from the Planning Commission meeting of December 5, 2007.

- 1) Case 2007-44 Conditional Use Permit and Design Review at 15412 Goldenwest Street for alcohol sales and exterior remodel for a proposed Fresh and Easy Market.
- 2) Case 2007-69 Tentative Tract Map, Site Plan Review, and Design Review at 7881 11th Street to develop a 5-unit condominium.
- 3) Case 2007-76 Design Review at 13961 Willow Lane to renovate an existing commercial building.
- 4) Zoning Code Interpretation regarding access to patios from single-family dwellings.

4. PUBLIC HEARINGS

ANYONE WISHING TO SPEAK ON AN OPEN PUBLIC HEARING IS REQUESTED TO COMPLETE THE ATTACHED PINK FORM AND GIVE IT TO THE CITY CLERK. WHEN YOUR NAME IS CALLED, PLEASE STEP TO THE PODIUM AT THAT TIME AND STATE YOUR NAME AND ADDRESS FOR THE RECORD.

AFTER THE PUBLIC HEARING IS OPENED, PERSONS SPEAKING IN FAVOR WILL BE HEARD FIRST, FOLLOWED BY THOSE PERSONS SPEAKING IN OPPOSITION; AND THEN PERSONS SPEAKING IN REBUTTAL. ONLY THOSE PERSONS WHO HAVE SPOKEN IN FAVOR WILL BE PERMITTED TO SPEAK IN REBUTTAL. SPOKESPERSON(S) DESIGNATED TO SPEAK IN FAVOR OR IN OPPOSITION WILL HAVE TWELVE (12) MINUTES TO SPEAK. THEREAFTER, EACH PERSON SPEAKING IN FAVOR OR IN OPPOSITION WILL HAVE THREE (3) MINUTES. THE TOTAL TIME FOR SPEAKING IN FAVOR OR IN OPPOSITION SHALL NOT EXCEED 30 MINUTES. THOSE PERSONS SPEAKING IN REBUTTAL WILL HAVE THREE MINUTES EACH, OR A TOTAL OF 20 MINUTES. THE CITY COUNCIL MAY USE ITS DISCRETION TO ALLOW A SPEAKER TO EXCEED TIME LIMITS.

NOTE: IF A CHALLENGE IS MADE BY ANY PARTY IN COURT FROM ACTIONS ARISING OUT OF A PUBLIC HEARING, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED AT THE PUBLIC HEARING OR PRIOR THERETO.

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4. PUBLIC HEARINGS (Continued)

4.1 RESOLUTION NO. 4128 – WATER RATES & CHARGES FOR WATER SERVICES (Marwan Youssef)

Time set for a public hearing to consider a proposal to revise the water rates for the City of Westminster in compliance with Chapter 13.08 of the Westminster Municipal Code.

Staff Report

Mayor and City Council Discussion

Open Public Hearing

 Speaking in Favor

 Speaking in Opposition

 Speaking in Rebuttal (*only those who spoke in favor can speak in rebuttal*)

Close Public Hearing

Mayor and Council Member Comments

Council Action

RECOMMENDATION: Staff recommends that the Mayor and City Council adopt Resolution No. 4128 entitled, “A Resolution of the Mayor and City Council of the City of Westminster rescinding Resolution No. 3836 and adopting Administrative Rules and Regulations for the City Water System, pursuant to the Municipal Code”.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items

5.2 AB 1234 Reports – None.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

6.1 Study Session for the Fiscal Year 2008-2009 Community Development Block Grant (CDBG) Program and HOME Program federal funds. (Don Anderson)

RECOMMENDATION: Staff recommends that the City Council schedule a study session between February 1 and February 15, 2008 to hear presentations from Non-profit agencies and City Departments applying for Fiscal Year 2008-2009 CDBG and HOME federal funds.

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6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR (Continued)

6.2 Amendment No. 4 to the Street Sweeping Contract with R.F. Dickson Co., Inc. (Marwan Youssef)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Authorize a budget adjustment in the amount of \$12,000 from the General Fund to Concrete Repair – Contractual Other; and
- 2) Approve Amendment No. 4 to the Street Sweeping Contract with R.F. Dickson Co., Inc., and authorize the City Manager to execute the contract amendment on behalf of the City.

7. WRITTEN COMMUNICATIONS (Public) – None.

8. LEGISLATIVE ITEMS

8.1 Establishment of an Ad Hoc New Police Building Planning Committee (Mitch Waller)

RECOMMENDATION: Staff recommends that the Mayor and City Council:

- 1) Adopt Resolution No. 4129 entitled, “A Resolution of the Mayor and City Council of the City of Westminster establishing an Ad Hoc New Police Building Planning Committee”; and
- 2) Appoint two (2) Council Members to serve as Chair and Co-Chair to the Ad Hoc New Police Building Planning Committee.

8.2 City Initiated Code Amendment Relating to Mandatory Installation of a Shopping Cart Containment System for Merchants Who Provide Ten (10) or More Shopping Carts for Use by the Public. (Vicki Morgan)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2426 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster amending Chapter 8.78 to Title 8 of the Westminster Municipal Code relating to shopping cart containment,” and waive further reading.

8.3 Establishing Compensation for the Mayor and City Council (Paul Espinoza)

RECOMMENDATION: Staff recommends that the Mayor and City Council introduce Ordinance No. 2425 entitled, “An Ordinance of the Mayor and City Council of the City of Westminster Establishing Compensation for the Mayor and City Council”, and waive further reading.

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9. COMMISSION AND COMMITTEE ITEMS - None

10. COUNCIL/AGENCY ADJOURNMENT:

DECLARATION: This agenda was posted on the Bulletin Board outside of the Council Chambers, where completely accessible to the public, at least 72 hours in advance of the City Council/Redevelopment Agency meeting.

Amanda Jensen

Amanda Jensen, Assistant City Clerk/Agency Secretary